

BRB No. 04-161 BLA  
Case No. 03-BLA-5121

BETTY J. ANTHONY (Widow	)	
of Thomas B. Anthony)	)	
	)	DATE ISSUED: 11/26/2003
Claimant-Petitioner	)	
	)	
v.	)	
	)	
BCNR MINING CORPORATION	)	
	)	
and	)	
	)	
STATE WORKERS' INSURANCE	)	
FUND	)	
	)	
Employer/Carrier-	)	
Respondent	)	
	)	
DIRECTOR, OFFICE OF WORKERS'	)	
COMPENSATION PROGRAMS,)	)	
UNITED STATES DEPARTMENT	)	
OF LABOR	)	
	)	
Party-in-Interest	)	ORDER

On November 7, 2003, the Board received claimant's Motion to Remand. The Board dismisses this appeal and remands the case to the Office of the District Director for modification proceedings. 20 C.F.R. §§725.310, 802.301.

This case will be reinstated by the Board if petitioner requests reinstatement. The request for reinstatement must be filed with the Board within thirty (30) days from the date the decision on modification is filed, and must be identified as BRB No. 04-161 BLA. The request for reinstatement must be served on all parties. If reinstatement is requested, the Board will consider only the issues raised in claimant's appeal of the Decision and Order Denying Benefits issued September 26, 2003.

After the request is processed by the district director, the case may be transferred to an administrative law judge for a hearing pursuant to the regulations. In the event the administrative law judge denies modification and claimant wishes the Board to consider not only the original appeal, but also whether the denial of modification was erroneous, a Notice of Appeal of the decision denying modification must be filed, in addition to the request for reinstatement. The Notice of Appeal and request for reinstatement must be filed with the Board within thirty (30) days of the date the decision on modification is filed. 20 C.F.R. §802.205. The appeal of the decision on modification will be assigned a new number and will be consolidated with claimant's appeal of the administrative law judge's Decision and Order Denying Benefits filed issued September 26, 2003, BRB No. 04-161 BLA.

In the event the administrative law judge grant modification, any party aggrieved by the decision granting modification may file an appeal with the Board within thirty (30) days of the date the decision granting modification is filed. 20 C.F.R. §802.205.

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NANCY S. DOLDER, Chief  
Administrative Appeals Judge

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BETTY JEAN HALL  
Administrative Appeals Judge

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PETER A. GABAUER, Jr.  
Administrative Appeals Judge